

SPEAKER NICHOL: Senator Hoagland, would you respond please.

SENATOR HOAGLAND: Yes, we do intend that the bill...it is a criminal prohibition, of course. We intend that the bill require an intentional act, as would any violation of the criminal law, and as is stated in the bill itself.

SPEAKER NICHOL: Were you through, Senator Landis?

SENATOR LANDIS: Just to say I don't intend to vote for the committee amendments.

SPEAKER NICHOL: Okay. Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I would beg to differ with the answer Senator Hoagland gave Senator Landis, at least in part do I differ with it. The word "intentionally" appears in line 8 and...okay. All you have to do is intend to deliver this substance. You don't have to know what it is, Senator Landis. Your intent doesn't have to be to represent it as a controlled substance. All you have to do is intend to deliver it. Now they put in language to cover those people who may not know what it is and may not represent it as being that because if you go into line 5 the appearance is sufficient if that appearance would lead a reasonable person to believe that the substance is a controlled substance. So here is what you come down to, a person may intend to possess this item, may intend to give it to...they are talking about students on the one hand, then these companies who manufacture large amounts on the other. The student has it. The student gives it. The student makes no representation, may not know it represents a controlled substance, may not intend it to represent a controlled substance, but if a reasonable person, who is knowledgeable is what you'd have to say also. If it would lead a reasonable person, knowledgeable about these things, to conclude that this is a controlled substance then that person is guilty. The intent does not go to intending to mislead as to what this is, or to deliver a controlled substance, or a substance masquerading as a controlled substance. The intent only has to be based on intending to have it and deliver it. That is why they say knowingly or intentionally, not knowingly and. If they said knowingly, then it would mean that the person who has it must be aware